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Prepared October 13, 2011 (for November 2, 2011 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Madeline Cavalieri, Coastal Planner

Subject: San Luis Obispo County Major Amendment Number 1-11 Part 1 (Emergency Shelters and Supportive/Transitional Housing)

Summary

San Luis Obispo County proposes to amend its Local Coastal Program (LCP) Land Use Plan (LUP) and Implementation Plan (IP) to define and regulate emergency homeless shelters (shelters), supportive housing, and transitional housing. The proposed amendment was developed in response to recent State legislation (Senate Bill 2 of 2009) that requires all local governments to allow shelters as a principally permitted use in at least one zoning district, and to treat supportive and transitional housing the same as traditional residential development throughout the land use regulatory and permitting process. The proposed amendment would define shelters, supportive housing and transitional housing, and add these uses as new land use groups to the LUP's table of allowable uses (Table O). Shelters would be allowed as a special, conditional use in the commercial service, industrial and public facilities land use categories, and supportive and transitional housing would be allowed in the same land use categories and subject to the same use levels (specials uses in some cases, principally permitted in others) that apply to single-family and multi-family dwellings.¹ Finally, the amendment would add a section to the IP regulating the development and use of shelters.

As submitted, the proposed amendment is consistent with the Coastal Act and the County's certified LCP. In terms of shelters, shelters would only be allowed with approval of a discretionary coastal development permit (CDP), which requires an evaluation of the proposal and a determination that the project is consistent with the applicable Coastal Act and LCP policies. In addition, the land use categories in which the shelters would be conditionally allowed are not intended to be reserved for Coastal Act priority uses. Instead, the affected land use categories provide for heavy commercial, industrial, and public facilities. These land use categories are less likely than others to contain or provide for higher priority LCP uses, like coastal-dependent uses, and appear to be appropriate categories within which to allow the shelter use. In addition, the proposed regulations for shelters prohibit their development outside the County's urban areas and establish standards for parking, site management and security measures, which will ensure that shelters don't impact rural areas of the County, including agricultural areas, that they avoid and minimize potential impacts on nearby public parking and/or coastal access, and that they also avoid and minimize potential issues of compatibility with neighboring uses.

¹ Although Senate Bill 2 of 2009 requires jurisdictions to allow for shelters as a principally-permitted use within at least one district, the County has chosen to allow them as principally-permitted only outside of the coastal zone.



Similarly, in terms of supportive and transitional housing, this type of housing would only be allowed where residential development is allowed consistent with existing LCP restrictions. In other words, the existing LCP already identifies where single and multi-family residential development and use is allowed, and supportive and transitional housing would only be allowed subject to the same criteria. For example, in agricultural areas, such housing would only be allowed as a special, conditional use and subject to exacting criteria premised on protection of agriculture as opposed to accommodating new residences at the expense of agricultural resources. LCP provisions related to rural lands, agriculture, public access, sensitive habitat and other coastal resources would apply to all new supportive and transitional housing proposals in the same way that they apply to any other residential development at the project location.

In all cases (shelters, supportive housing, and transitional housing), existing LCP provisions provide a means to appropriately protect coastal resources when shelter-type development and residential-type development (applicable specifically to supportive and transitional housing) is proposed, and would protect such resources in a similar way if and when these new uses and developments were proposed. In addition, shelters would be a special, conditional use in all cases, and thus any coastal permit decisions on them would be appealable to the Coastal Commission. Similarly, supportive and transitional housing would only be a principally permitted use in core residential districts, and not in the highest Coastal Act and LCP priority designations (e.g., agricultural, rural, open space, and recreational districts), and CDP decisions in the priority land use districts for this type of use and development would also be appealable to the Coastal Commission. Staff believes that the existing LCP provisions that will apply to these types of future developments, along with the proposed new definitions and standards per this amendment, will appropriately protect coastal resource consistent with the Coastal Act and the certified LCP.

Therefore, staff recommends that the proposed LCP amendment, as submitted, can be found consistent with the Coastal Act and the County’s LUP.

LCP Amendment Action Deadline: This proposed LCP amendment was filed as complete on May 2, 2011. The proposed amendment affects both the LUP and the IP, and the original 90-day action deadline was July 31, 2011. On July 13, 2011, the Commission extended the action deadline by one year to July 31, 2012. Thus, the Commission has until July 31, 2012 to take a final action on this LCP amendment.

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III. Exhibits

- Exhibit A: Board of Supervisors Resolution Adopting Proposed LCP Amendment
- Exhibit B: Proposed LUP text changes
- Exhibit C: Proposed IP text changes
- Exhibit D: Existing LCP Table O
- Exhibit E: County Correspondence, Dated March 23, 2011

I. Staff Recommendation – Motion and Resolution

Staff recommends that the Commission, after public hearing, approve the proposed amendment as submitted. The Commission needs to make two motions (one on the LUP portion of the amendment and one on the IP portion of the amendment) in order to act on this recommendation.

1. Approval of Land Use Plan Amendment as Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion (1 of 2). I move that the Commission **certify** Major Amendment Number 1-11 Part 1 to the San Luis Obispo County Local Coastal Program Land Use Plan as submitted by San Luis Obispo County. I recommend a yes vote.

Resolution to Certify the LUP Amendment. The Commission hereby certifies Major Amendment Number 1-11 Part 1 to the San Luis Obispo County Local Coastal Program Land Use Plan as submitted by San Luis Obispo County and adopts the findings set forth below on the grounds that the amendment conforms to the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

2. Approval of Implementation Plan Amendment as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (2 of 2). I move that the Commission **certify** Implementation Plan Major Amendment



Number 1-11 Part 1 as submitted by San Luis Obispo County. I recommend a yes vote.

Resolution to Certify the IP Amendment. The Commission hereby **certifies** Implementation Plan Major Amendment Number 1-11 Part 1 to the San Luis Obispo County Local Coastal Program Implementation Plan as submitted by San Luis Obispo County and adopts the findings set forth below on the grounds that the amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Implementation Plan amendment may have on the environment.

II. Findings and Declarations

The Commission finds and declares as follows:

A. Description of Proposed LCP Amendment

The County's proposal would amend Chapter 6 of the LUP's Framework for Planning to define shelters and supportive and transitional housing, and to specify the land use categories within which these uses would be allowed. Pursuant to the proposed definitions, shelters include housing facilities with occupancy limited to six months or less, and day centers with services for homeless people; supportive housing is identified as long-term housing for people with one or more qualifying disabilities (including mental illness, substance abuse, chronic health conditions or developmental disabilities) which provides connections to on or offsite social and/or medical services; and transitional housing is defined similar to supportive housing except that occupancy is defined as a period of six months or more. The amendment would add these three land use types to the LUP's table of allowable uses (Table O), which is also within Chapter 6 of the Framework for Planning. Shelters would be allowed as a special, conditional use in the commercial service, industrial and public facilities land use categories. Supportive and transitional housing would be allowed in the same way that the single-family and multi-family dwelling use groups are allowed (i.e., as a principally permitted use in the residential land use categories, such as residential suburban, residential single-family and residential multi-family, and as a special, conditionally permitted use in non-residential land use categories, including the agriculture, recreation and commercial retail land use categories). See the text of the proposed LUP amendment in Exhibit B.

The County's proposal would also amend the Coastal Zone Land Use Ordinance (CZLUO) of the IP to add specific standards for shelters. These new standards would require approval of a discretionary CDP (specifically, a minor use permit or MUP) for shelters, prohibit shelters outside the urban areas, and



specify requirements for maximum capacity, site management, parking, and security measures. See the text of the proposed IP amendment in Exhibit C.

B. Consistency Analysis

1. Standard of Review

The proposed amendment affects both LUP and IP components of the San Luis Obispo County LCP. The standard of review for the proposed LUP amendment is that it must be consistent with and adequate to carry out the Coastal Act; the standard of review for the proposed IP amendment is that it must be consistent with and adequate to carry out the policies of the certified LUP.

2. LUP Amendment Consistency Analysis

The Coastal Act protects coastal resources, including agricultural lands, public views, public recreational access, environmentally sensitive habitat areas, and others (see for example, Coastal Act Chapter 3). The proposed LUP amendment would allow for shelters, supportive housing, and transitional housing in various land use categories throughout the County's coastal zone. Although this introduces new uses to the LCP, the amendment does not raise inconsistencies with any Coastal Act policies, including policies protecting public recreational access, public views, and biological and agricultural resources.

With respect to shelters, the proposed amendment is consistent with Coastal Act requirements because it limits where shelters would be allowed to the commercial service, industrial and public facilities land use categories, and it only allows shelters as a special, conditional use subject to approval of a discretionary CDP. The purpose of the commercial service land use category is to provide for areas of heavy commercial and light manufacturing development, where it would not adversely affect surrounding properties; the purpose of the industrial land use category is to provide for the concentration of industrial uses; and the purpose of the public facilities land use category is to provide for the development of public facilities to meet public needs. None of these land use categories is intended to function primarily for higher Coastal Act priority purposes (e.g., coastal-dependent uses), and they appear to be appropriate categories within which to allow the shelter use. Thus, providing for shelters in these land use categories is not likely to reduce the amount of land available and designated for Coastal Act priority uses, and should lead to appropriate use otherwise. Further, the requirement for a discretionary permit will ensure that the County fully evaluates new proposals and ensures that they are consistent with all applicable LCP requirements. Any application for a new shelter in the coastal zone would be subject to all LCP provisions, including the coastal permit process, and the environmental and resource policies and standards of the LCP, including with respect to required wetland and riparian habitat setbacks, visual resources, protection of agriculture, and blufftop setbacks. In addition, the proposed regulations for shelters prohibit their development outside the County's urban areas and establish standards for parking, site management and security measures, that will ensure that shelters



don't impact rural areas of the County, including agricultural areas, that they avoid and minimize potential impacts on nearby public parking and/or coastal access, and that they also avoid and minimize potential issues of compatibility with neighboring uses. Also, approval of any proposed shelter would be appealable to the Commission because it would not be designated as the principally permitted use in any of the land use categories to which it is proposed to be added.

Likewise, supportive and transitional housing could only be approved under the proposed amendment in the same way that traditional residential development is currently approved under the LCP, subject to all applicable LCP provisions and criteria. Thus, LCP provisions related to rural lands, agriculture, public access, sensitive habitat and other coastal resources would apply to all new supportive and transitional housing proposals in the same way that they apply to any other residential development at the project location. For example, in agricultural areas, such housing would only be allowed as a special, conditional use and subject to exacting criteria premised on protection of agriculture as opposed to accommodating new residences at its expense. In addition, supportive and transitional housing would only be the principally permitted use in core residential districts,^{2,3} and not in the highest Coastal Act and LCP priority designations (e.g., agricultural and recreational districts), and coastal permit decisions in these priority land use districts for this type of use and development would also be appealable to the Coastal Commission. Existing LCP provisions that will apply to these types of future developments, along with the proposed new definitions and standards per this amendment, will appropriately protect coastal resources consistent with the Coastal Act, and the amendment can be found consistent with the Act.

3. IP Amendment Consistency Analysis

A. Applicable LUP Policies

In order to approve an IP amendment, it must be consistent with and adequate to carry out the LCP's

² It is noted here that San Luis Obispo County's LCP, like many LCPs statewide, includes multiple principally permitted uses per certain land use categories, and this amendment continues that theme by adding additional principally permitted uses in several districts. Coastal Act Section 30603 envisions only one principally permitted use per land use category for purposes of potential appeal to the Commission. As a result, there is a disconnect between LCP Table O and the Coastal Act in this regard. Although this issue needs to be addressed in the County's LCP, the Commission does not believe that this LCP amendment is the proper avenue for a wholesale revision to LCP Table O. Rather, the Commission encourages the County to develop LCP amendments designed to identify a single principally permitted use for purposes of appealability to the Coastal Commission so as to resolve this conflict and inconsistency.

³ It is also noted here that over time there has been some confusion regarding how Table O does or does not identify a principally permitted use. Per the Table O key, only a use identified with a "P" is a principally permitted use. As a result, other use codes or combinations of codes (i.e., combinations of "S" for special use together with "P" for principally permitted use) do not represent a principally permitted use because they are not the same as a "P" on its own. Only uses that are identified with a "P" on its own are principally permitted. In this case, the County's correspondence on the LCP amendment reinforces this understanding, indicating that single-family dwellings in the agriculture and recreation categories (identified as S-16-P and S-2-P respectively; see Exhibit B) are special uses and not principally permitted uses (see Exhibit E). In other words, even though the S-16-P and S-2-P combinations both include a "P", these uses are not principally permitted because they are not identified with a "P" on its own. As with the issue of multiple principally permitted uses described above, this is an issue that would benefit from an LCP amendment to provide enhanced clarity on this point, and the County is encouraged to pursue such an amendment, but the Commission does not believe that this current LCP amendment is the proper avenue for this kind of overall Table O fix at this time.



LUP. Chapter 6 of the LUP's Framework for Planning describes the County's Land Use Categories and Allowable Uses and includes the aforementioned Table O. Subsection C of Chapter 6 states:

Allowable Land Uses in the Coastal Zone: *The following charts (Coastal Table O) list uses of land that may be established in the land use categories shown by the LUE area plans in the coastal zone. After determining what land use category and combining designation applies to a particular property, the chart can be used to find what uses are allowable. The chart will also show where to look in the Coastal Zone Land Use Ordinance to find the standards that apply to the planning and development of such land uses as well as what permit is needed before a use can be established.*

IMPORTANT: *When determining the land use category and combining designation (if any) applicable to a particular property, also check the planning area standards and any policies from the Coastal Plan Policies Document that may apply to the property... Those standards may limit the uses allowed by the following charts, or set special permit requirements for a particular land use category, community or area of the County.*

...

The LUP encourages development to be concentrated within the urban areas of the County, including through the following policies:

Agriculture Policy 5: Urban-Rural Boundary. *To minimize conflicts between agricultural and urban land uses, the urban service line shall be designated the urban-rural boundary. Land divisions or development requiring new service extensions beyond this boundary shall not be approved.*

Public Works Policy 10: Encouraging Development within the Urban Services Line. *During the periodic update of the Local Coastal Program, including area plan updates, the County and California Coastal Commission should require new or expanded urban development to be located within the Urban Services Line (USL) of coastal communities. The USL defines areas where the capital improvement program and community plans should schedule extensions of public services and utilities needed for urban development. Proposals to increase urban density or intensity of urban land uses outside of the USL should be discouraged. Other nonregulatory methods to encourage infilling of development within communities may include greenbelt programs, transfer of development credits programs, agricultural conservation easements, and open space initiatives.*

The LUP also protects public access, recreation and visitor-serving facilities. Relevant policies include:

Shoreline Access Policy 1: Protection of Existing Access. *Public prescriptive rights may exist in certain areas of the county. Development shall not interfere with the public's right of access to the sea where acquired through historic use or legislative authorization. These rights shall be*



protected through public acquisition measures or through permit conditions which incorporate access measures into new development.

Shoreline Access Policy 8: Minimizing Conflicts with Adjacent Uses. *Maximum access shall be provided in a manner which minimizes conflicts with adjacent uses. Where a proposed project would increase the burdens on access to the shoreline at the present time or in the future, additional access areas may be required to balance the impact of heavier use resulting from the construction of the proposed project.*

Recreation and Visitor-Serving Facilities Policy 1: *Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means. Removal or conversion of existing lower cost facilities and opportunities in areas designated with the "V" Visitor Serving Overlay in the LUE shall be prohibited unless the use will be replaced by a facility offering comparable visitor serving or recreational opportunities.*

Recreation and Visitor-Serving Facilities Policy 2: *Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources. The Land Use Plan shall incorporate provisions for areas appropriate for visitor-serving facilities that are adequate for foreseeable demand. Visitor-serving commercial developments that involve construction of major facilities should generally be located within urban areas.*

B. Consistency Analysis

The proposed IP amendment would add regulations for shelters into the County's IP, the Coastal Zone Land Use Ordinance (CZLUO).⁴ The proposed regulations address shelter permitting requirements, prohibit the development of shelters outside of urban areas, and specify requirements for maximum shelter capacity, site management, parking, and security measures.

The proposed IP amendment, as submitted, is consistent with, and adequate to carry out, the County's certified LUP. The Framework for Planning describes the process for determining allowable uses and points readers to the CZLUO for standards and permitting requirements that regulate the different land use groups (see excerpt, above). In this case, and as described above, the LUP component of the proposed amendment would define shelters and add them as a special use to LUP Table O. Thus, the proposed amendment would add standards and regulations for the new shelters land use group into the CZLUO (see Exhibit C). The proposed regulations specify that shelters need a discretionary permit, as required by the proposed amendments to Table O that allow shelters only as a special, conditional use.

⁴ The proposed IP amendment only includes additional standards relative to shelters, and not any new standards specific to transitional and supportive housing. The County indicates that this is the case because the latter would be adequately addressed by the LCP's residential development and use policies that would apply to these cases. The Commission concurs on this point.



In addition, the prohibition on shelters outside of urban areas ensures consistency with LUP Agriculture Policy 5, which designates the urban rural boundary and prohibits service extensions outside of it, as well as Public Works Policy 10, which encourages development to be concentrated within the urban areas. Moreover, the proposed IP amendment would ensure that any new shelters would provide adequate parking so that nearby public access would not be impacted, and it would require site management measures, such as maximum capacities and security measures, to ensure that shelters would not detract from community character or cause conflicts or incompatibilities with neighboring uses. Therefore, as submitted, the proposed IP amendment is consistent with and adequate to carry out the certified LUP.

C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

San Luis Obispo County, acting as the lead CEQA agency in this case, adopted a Negative Declaration for the proposed LCP amendment and in doing so found that the amendment would not have significant adverse environmental impacts. This report has discussed the relevant coastal resource issues with the proposal, and has not identified the need for any modifications necessary to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as submitted, would have on the environment within the meaning of CEQA. Thus, as submitted, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, August 24, 2010

PRESENT: Supervisors Bruce Gibson, Adam Hill, K.H. 'Katcho' Achadjian,
James R. Patterson, Chairperson Frank Mecham

ABSENT: None

RESOLUTION NO. 2010-258

RESOLUTION TO AMEND THE SAN LUIS OBISPO COUNTY GENERAL PLAN, THE LAND USE ELEMENT FRAMEWORK FOR PLANNING, THE CONSERVATION AND OPEN SPACE ELEMENT, THE AGRICULTURE ELEMENT, THE COASTAL ZONE LAND USE ELEMENT FRAMEWORK FOR PLANNING, LOCAL COASTAL PLAN, THE LAND USE ORDINANCE, TITLE 22 OF THE COUNTY CODE AND THE COASTAL ZONE LAND USE ORDINANCE, TITLE 23 OF THE COUNTY CODE AND TO ADOPT ORDINANCES AND TO APPROVE ENVIRONMENTAL DOCUMENTS

The following resolution is now hereby offered and read:

WHEREAS, state law requires that a general plan be adopted; and

WHEREAS, the Land Use Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on September 22, 1980, and is a proper element of the General Plan; and

WHEREAS, the Conservation and Open Space Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on May 11, 2010; and

WHEREAS, the Agriculture Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on May 11, 2010; and

WHEREAS, on March 1, 1988, the San Luis Obispo County Board of Supervisors adopted the Local Coastal Program as amendments and additions to the Land Use Element of the San Luis Obispo County General Plan, specifically incorporating the Land Use Plan of the Local Coastal Program into the Land Use Element of the General Plan hereinafter referred to as the "Land Use Element and Local Coastal Plan", and to the San Luis Obispo County Code Titles 19, 21, and 23; and

WHEREAS, state law, public necessity, convenience and general welfare requires that general and specific plans be amended from time to time; and

WHEREAS, the Planning Commission of the County of San Luis Obispo after noticed public hearings did recommend amendments to the General Plan and Land Use Ordinances, adopted resolutions or otherwise took action recommending said amendments.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the twenty-fourth day of August, 2010, that the County General Plan, the Land Use Element Framework for Planning, the Conservation and Open Space Element, the Coastal Zone Framework for Planning, the Land Use Ordinance - Title 22 of the County Code and the Coastal Zone Land Use Element - Title 23 of the County Code be amended as follows:

1. Amend the San Luis Obispo County General Plan, Land Use Element, Adelaida Area Plan, official maps, as such amendments appear on Exhibits LRP2009-00007:1 and LRP2009-00007:2, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

2. Amend the San Luis Obispo County General Plan, Land Use Element, El Pomar Area Plan, official maps, as such amendments appear on Exhibits LRP2009-00007:3, LRP2009-00007:4, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

3. Amend the San Luis Obispo County General Plan, Land Use Element, Las Pilitas Area Plan, official maps, as such amendments appear on Exhibits LRP2009-00007:5, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

4. Amend the San Luis Obispo County General Plan, Land Use Element, Los Padres Area Plan, official maps, as such amendments appear on Exhibits LRP2009-00007:6, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

5. Amend the San Luis Obispo County General Plan, Land Use Element, Nacimiento Area Plan, official maps, as such amendments appear on Exhibits LRP2009-00007:7, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

6. Amend the San Luis Obispo County General Plan, Land Use Element, San Luis Bay Area Plan, official maps, as such amendments appear on Exhibit LRP2009-00007:8, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

7. Amend the San Luis Obispo County General Plan, Land Use Element, San Luis Bay Area Plan, official maps, as such amendments appear on Exhibit LRP2009-00007:9 (inland), attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

8. Amend the San Luis Obispo County General Plan, Land Use Element, San Luis Bay Area Plan, official maps, as such amendments appear on Exhibit LRP2009-00007:9 (coastal), attached hereto and incorporated herein as though fully set forth and pursuant to Public Resources Code, section 30514, authorize the amendment submittal to the California Coastal Commission for consideration and certification.

9. Amend the San Luis Obispo County General Plan, Land Use Element, Shandon-Carrizo Area Plan, official maps, as such amendments appear on Exhibits LRP2009-00007:10, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

10. Amend the San Luis Obispo County General Plan, Land Use Element, South County Area Plan (Inland), official maps, as such amendments appear on Exhibits LRP2009-00007:11, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

11. Amend the San Luis Obispo County General Plan, Conservation and Open Space Element, official maps, by changing the designations for the parcels shown on Exhibits LRP2009-00007:1 – 11, attached hereto and incorporated herein as though fully set forth, from Small Lot Residential and Large Lot Residential to Agriculture-Conservation Contract and Small Lot Residential for properties recently put into agricultural preserves. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

12. Amend the San Luis Obispo County General Plan, Agriculture Element, official maps, by changing the designations for the parcels shown on Exhibits LRP2009-00007:1 – 11, attached hereto and incorporated herein as though fully set forth, from Small Lot Residential and Large Lot Residential to Agriculture-Conservation Contract and Small Lot Residential for properties recently put into agricultural preserves. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

13. Amend the San Luis Obispo County General Plan, Land Use Element / Local Coastal Plan, Coastal Zone Framework for Planning, as such amendment appears on Exhibits LRP2009-00002:C, attached hereto and incorporated herein as though fully set forth and pursuant to Public Resources Code, section 30514, authorize the amendment submittal to the California Coastal Commission for consideration and certification.

14. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An Ordinance Amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapters 22.06, 22.18 and 22.30 by amending Sections 22.06.030 and 22.18.050.C.9 and adding Section 22.30.265 relating to Emergency Shelters, Supportive Housing, and Transitional Housing" which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

15. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An Ordinance Amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Chapters 23.04 and 23.08 by amending Sections 23.04.166c(9) and 23.08.260 and adding Section 23.08.269 relating to Emergency Shelters." attached hereto and incorporated herein as though fully set forth and pursuant to Public Resources Code, section 30514, authorize the amendment submittal to the California Coastal Commission for consideration and certification.

16. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An Ordinance Amending Specific Sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code and the Coastal Zone Land Use Ordinance, Title 23 of the County Code" which is attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that the environmental document for the above enacted amendments be approved as follows:

1. Regarding the amendment that was processed on the basis of a General Rule Exemption, the Board of Supervisors finds that the activity is covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

2. Regarding the amendment that was processed on the basis of a proposed Mitigated Negative Declaration, the Board of Supervisors reviewed and considered the proposed Mitigated Negative Declaration together with all comments received during the public review process prior to enacting the amendment. Further, on the basis of the initial studies and comments received for the Mitigated Negative Declaration, there is no substantial evidence that the amendment will have a significant effect on the environment; therefore the Board of Supervisors hereby adopts the Mitigated Negative Declaration pursuant to the applicable provisions of the California Environmental Quality Act (CEQA). The revised Mitigated Negative Declaration prepared reflects the independent judgment of the Board of Supervisors, acting as the lead agency for the amendments.

BE IT FURTHER RESOLVED AND ORDERED that this resolution with respect to Exhibit LRP 2009-00007:9(coastal) and LRP 2009-00002:B and C shall become operative automatically, pursuant to 14 California Code of Regulations §13551(b)(1), upon the certification without any modifications or amendments to said amendments by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification pursuant to 14 California Code of Regulations §13544.

In the event that the California Coastal Commission recommends modifications to said amendments, the amendments with modification shall be processed in accordance with Government Code § 65350 et seq., before final local government adoption of the amendments with the modifications suggested by Coastal Commission pursuant to 14 California Code of Regulations §13551(b)(2), or before the Board of Supervisors resubmits, pursuant to Public Resources Code Section 30512 and 30513, any additional amendments to satisfy the Commission's recommended changes.

BE IT FURTHER RESOLVED AND ORDERED that in accordance with Government Code Section 25131, after reading of the title of the ordinances, further reading of the ordinances in full is waived.

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective on the same date as Ordinances 3199, 3200 and 3201, said date being August 24, 2010.

Upon motion of Supervisor Hill, seconded by Supervisor Achadjian, and on the following roll call vote, to wit:

AYES: Supervisors Hill, Achadjian, Gibson, Patterson, Chairperson Mecham

NOES: None

ABSENT: None

ABSTAINING: Supervisor Bruce S. Gibson (Old Creek Ranch, LRP2009-00007:2 only)

The foregoing resolution is hereby adopted.

Frank Mecham
Chairperson of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors,
County of San Luis Obispo,
State of California

[SEAL]

By: Annette Ramirez

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: James B. Orton
Deputy County Counsel

Dated: August 3, 2010

STATE OF CALIFORNIA)
)
) ss
)
COUNTY OF SAN LUIS OBISPO)

I, JULIE L. RODEWALD, County Clerk of the
above entitled County, and Ex-Officio Clerk of
the Board of Supervisors thereof, do hereby
certify the foregoing to be a full, true and
correct copy of an order entered in the
minutes of said Board of Supervisors, and
now remaining of record in my office.

Witness, my hand and seal of said Board of
Supervisors this 13th day of September, 2010.

JULIE L. RODEWALD
County Clerk and Ex-Officio
Clerk of the Board of Supervisors
By: *C. Annette Ramirez*
Deputy Clerk

EXHIBIT LRP2009-00002: C
(Revised July 1, 2010)

1. Amend the Land Use Definitions in the Land Use Element/Local Coastal Plan - Part 1 - Coastal Zone Framework for Planning to include the following definitions and revisions:

D. LAND USE DEFINITIONS

Emergency Shelter [I6]

Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person (Health and Safety Code Section 50801). Includes homeless day center facilities providing services such as counseling, employment training and job search assistance, meals, health and dental care, and a day resource center.

Homeless Shelter

See "Emergency Shelter."

Supportive Housing [E14]

Dwelling units with no limit on length of stay, that are occupied by the target population as defined in subdivision (d) of Section 53260, and that are linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (Health and Safety Code Section 50675.14). "Target population" means adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. (Health and Safety Code Section 53260 d)

Residential Care [E10]

Establishments primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on ability for self-care, but where medical care is not a major element and twenty-four hour supervision is provided. Includes: children's homes; ~~halfway houses, orphanages; rehabilitation centers; self help group homes, and halfway houses, rehabilitation centers; and self-help group homes with 24 hour supervision.~~ (SIC: Group 836)

Transitional Housing [E15]

Dwelling units configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (Health and Safety Code Section 50675.2)

2. Amend Table O of the Land Use Element/Local Coastal Plan - Part 1 - Coastal Zone Framework for Planning as follows:

Add "Emergency Shelters" in the "D) TRANSIENT LODGINGS" section after the "Bed & Breakfast Facilities" row as follows:

D) TRANSIENT LODGINGS

	AG-Prime Soils	AG-Non-Prime Soils	R L	R E C	R R	R S	R S F	R M F	O P	C R	CS	IND	PF	O S
<u>Emergency Shelter</u> 6											S-12	S-12	S-12	

Add "Transitional Housing" in the "E) RESIDENTIAL USES" section after "Temporary Dwellings" as follows:

E) RESIDENTIAL USES

	AG-Prime Soils	AG-Non-Prime Soils	R L	REC	R R	R S	R S F	R M F	OP	CR	C S	I N D	P F	O S
<u>Transitional Housing</u> 15														
<u>Single-Family Dwellings</u>	S-16	S-16-P	P	S-2-P	P	P	P	P	S-8	S-8				
<u>Multi-Family Dwellings</u>				S-8				P	S-8	S-8				

Add "Supportive Housing" in the "E) RESIDENTIAL USES" section after "Single-Family Dwellings" as follows:

E) RESIDENTIAL USES

	AG-Prime Soils	AG-Non-Prime Soils	R L	REC	R R	R S	R S F	R M F	OP	CR	C S	I N D	P F	O S
<u>Supportive Housing</u> 14														
<u>Single-Family Dwellings</u>	S-16	S-16-P	P	S-2-P	P	P	P	P	S-8	S-8				
<u>Multi-Family Dwellings</u>				S-8				P	S-8	S-8				

EXHIBIT LRP2009-00002:B
(Revised July 1, 2010)

ORDINANCE NO. 3200

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE, CHAPTERS 23.04 AND 23.08 BY AMENDING SECTIONS 23.04.166 C (9) AND 23.08.260, AND ADDING SECTION 23.08.269 RELATING TO EMERGENCY SHELTERS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.04.166 C(9) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY DENSITY
Emergency Shelters	1 per 6 adult beds, plus 1 per on-site staff person and volunteer plus 1 per 10 adult beds for service vehicles	Low	Low
Hotels, Motels	2 spaces, plus 1 per unit, plus 1 per 10 units	Medium	Low

SECTION 2: Section 23.08.260 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

23.08.260 - Transient Lodgings: Overnight and short-term lodging facilities identified as allowable, S-12 uses by the Land Use Element (see Coastal Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

- 23.08.261 Bed and Breakfast
- 23.08.262 Hotels and Motels
- 23.08.264 Hotels, Motels - Condominium or Planned Development
- 23.08.265 Home Stays
- 23.08.266 Recreational Vehicle Parks
- 23.08.268 Temporary Construction Trailer Parks
- 23.08.269 Emergency Shelters

SECTION 3: Add new Section 23.08.269 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, as follows:

23.08.269 - Emergency Shelters: The following standards apply to emergency shelters, which include housing with minimal support services to homeless persons. Emergency shelters are not allowed outside of urban reserve lines.

- a. **Permit requirement.** Minor Use Permit on sites in the Public Facility, Commercial Service, and Industrial land use categories within urban reserve lines.
- b. **Maximum number of persons.** An emergency shelter facility may allow up to 100 persons.
- c. **Onsite waiting and client intake areas.** A minimum of seven percent of the total square footage of an emergency shelter shall be designated for indoor onsite waiting and client intake areas.
- d. **Management.**
 - (1) A minimum of one on-site or on-call manager or supervisor plus additional trained staff and volunteers for up to 50 shelter beds. A minimum of two on-site or on-call managers or supervisors plus additional trained staff and volunteers for 51-100 shelter beds. On-site or on-call management shall be provided during hours of operation.
 - (2) The emergency shelter provider shall submit a Neighborhood Relations Plan for review and approval by the Planning Director. The Plan shall include regular meetings between the emergency shelter provider and the surrounding neighborhood, a 24-hour contact for questions or complaints, and other provisions for addressing potential neighborhood concerns.
- e. **Proximity to other emergency shelters.** No emergency shelter shall be within a 300 foot radius from another emergency shelter.
- f. **Length of stay.** Individual occupancy is limited to six consecutive months or less. However, individual emergency shelter occupancy policies apply. Emergency shelter providers may allow clients to stay more than six months if no subsequent housing has been identified.
- g. **Lighting.** External lighting shall be provided for security purposes, and shall be in compliance with the provisions of Section 23.04.320.
- h. **Security during hours of operation.** The emergency shelter provider shall submit a Security Plan for review and approval by the Planning Director. The Plan shall include security cameras or other appropriate security measures.

SECTION 4. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration

approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 5. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 6. This ordinance shall become operative only upon approval by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification.

SECTION 7: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 24th day of August, 2010, by the following roll call vote, to wit:

AYES: Supervisors Adam Hill, K.H. 'Katcho' Achadjian, Bruce S. Gibson, James R. Patterson, Chairperson Frank Mecham

NOES: None

ABSENT: None

ABSTAINING: None

Frank Mecham
Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

By: Annette Ramirez
Deputy Clerk



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land – Helping to build great communities

March 23, 2011

Attn: Madeline Cavaliere
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

RECEIVED

MAR 28 2011

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**Subject: Land Luis Obispo County Local Coastal Program (LCP) Amendment 1-11 Part 1
(Emergency Shelters/Transitional Housing)**

Dear Ms. Cavaliere:

This is in response to your letter dated February 25, 2011 that discusses an amendment request to allow emergency shelters, transitional housing, and supportive housing as required by Government Code Sections 65582, 65583 and 65589.5 enacted through Senate Bill 2 in 2009. The County carefully crafted the amendments to avoid any conflicts with the Coastal Act and the Local Coastal Plan (LCP) and the information contained in this letter should be sufficient to clarify that.

Your first concern relates to allowing single-family transitional and supportive housing within the Agriculture land use category. The County believes that the proposed amendments fully conform to the policies of the Coastal Act and the LCP regarding protecting agricultural resources. The proposed amendments do not change the LCP provisions requiring that any single-family dwelling must be incidental, related and subordinate to the agricultural use of the land. This would still apply to any single family dwelling proposed for use as transitional or supportive housing. No additional or new housing is allowed for use as transitional or supportive housing. Only a single family residence that would otherwise be allowed to occur on the site consistent with all provisions of the LCP would be allowed to be used as transitional or supportive housing. Additionally, the County of San Luis Obispo cannot prevent a property owner from renting his/her property.

The County agrees that it can deny certain housing applications if the housing is proposed on land zoned for agriculture or resource protection. For example, a single family dwelling proposed on prime agricultural land or other location where all development is appealable would be subject to discretionary review, and therefore, could be denied. This would apply equally to a single family dwelling proposed for use as transitional or supportive housing. However, under the proposed amendments (and state law) a single family dwelling proposed for use as supportive or transitional housing cannot be subjected to any standards that would not have been required of the same housing if it were not intended for use as transitional or supportive housing.

Furthermore, an ordinance prohibiting housing for persons with disabilities from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area, would constitute a violation of the federal Fair Housing Act. Transitional and supportive housing is often provided for person with disabilities.

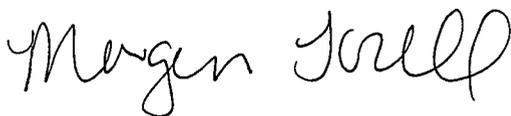
Exhibit E
SLO-1-11 Part 1 (Emergency Shelters)
Page 1 of 2

Your second concern includes allowing emergency homeless shelters on land in the Commercial Service land use category and transitional and supportive housing in the Recreation and Commercial Retail land use designations. Your letter states that the purpose of these three LCP land use designations is to provide for high priority visitor-serving uses. While Commercial Retail and Recreation are visitor-serving designations, Commercial Service is not, and is rather the County's light industrial land use category. Additionally, emergency shelter permits within the LCP would be discretionary, requiring a Minor Use Permit. Therefore, an emergency shelter project could be denied if it is not in compliance with the LCP. As required under Senate Bill 2, the County amended its ordinances to allow emergency shelters without a discretionary permit under certain circumstances in the inland areas of the county, but not in the coastal zone. This was done to avoid any potential conflicts with the Coastal Act.

Furthermore, single family and multi-family dwellings are special uses in the Recreation and Commercial Retail land use categories, which allows these uses subject only to special standards and/or processing requirements. For example, development of multi-family dwellings in the Recreation land use category requires a Minor Use Permit or Development Plan. Transitional and supportive housing would be subject to the same restrictions that apply to other single-family and multi-family dwellings, which are not currently prioritized in the Recreation and Commercial Retail land use categories. They are a special use rather than a principally permitted use. No additional or new housing is allowed for use as transitional or supportive housing. Only a single family residence that would otherwise be allowed to occur on the site consistent with all provisions of the LCP would be allowed to be used as transitional or supportive housing.

Since the County disagrees that the proposed amendments are inconsistent with the LCP and Coastal Act, I have not included the requested materials. I am available for a phone conference meeting to discuss your concerns further. Please email me at mtorell@co.slo.ca.us or call me at (805) 781-5113 to set up this meeting. I look forward to explaining these amendments further with you.

Sincerely,



Morgan Torell, Project Manager
Housing and Economic Development Section

Cc: Kami Griffin, Assistant Director